# Sayyid Shah bin Abdullah v Ketua Pengarah Jabatan Pendaftaran Negara & Anor

COURT OF APPEAL (PUTRAJAYA) — CIVIL APPEAL NO W-01(A)-691–12 OF 2023
SUPANG LIAN, COLLIN SEQUERAH AND ALWI ABDUL WAHAB JJCA
12 JUNE 2025

*Civil Procedure — Appeal — Appeal against decision of High Court — High Court dismissed judicial review application and affirmed decision of National Registration Department in rejecting appellant's application to change name back to original name — Whether reg 14(2) of the National Registration Regulations 1990 envisaged a change in name back to original name — Whether decision of National Registration Department to reject appellant's application correct — Whether National Registration Department had obligation furnish reasons for rejecting application to change name back to original name*

The appellant, a citizen of Malaysia was born in Coimbatore, Tamil Naidu, India. His birth certificate was issued by the Office of Assistant High Commissioner Malaysia in Madras under the name of K Praghadheeswara Raja. The appellant was a Hindu from birth and professed the said religion at all material times. A Malaysian Registration Identity Card under the name of K Praghadheeswara Raja a/l Kalandasamy was subsequently issued by the first respondent. In 2005, the appellant converted to Islam and he changed his name to Sayyid Shah bin Abdullah. An application by the appellant to change his name was allowed by the first respondent under reg 14 of the National Registration Regulations 1990 ('the NRR'). Consequent to that, a new identity card was issued under the name of Sayyid Shah bin Abdullah replacing the name of K Praghadheeswara Raja a/l Kalandasamy. The appellant successfully applied for and was given a new passport under his new name of Sayyid Shah bin Abdullah and he flew to India using this new passport. However, the Indian Immigration refused to allow the appellant entry into India due to the fact that he had previously entered India using a Malaysian passport under the name of K Praghadheeswara Raja a/l Kalandasamy. As a result, the appellant was deported to Malaysia. Then, the appellant claimed that upon his application for a passport under his original name, the Director General of Malaysian immigration revoked the passport under the name of Sayyid Shah bin Abdullah and replaced it with a new passport issued under the name of K Praghadheeswara Raja a/l Kalandasamy (No A35711811) for a duration of five years. The appellant encountered difficulties with passport No A35711811 wherein the Director General of Malaysian Immigration denied issuing the said passport and stated that all Malaysian passports were issued according to

A the name that appeared on the identity card. As Passport No A35711811 was to expire on 22 March 2021, the appellant applied for a new passport in December 2020 under the name of K Praghadheeswara Raja a/l Kalandasamy and this was refused by the Malaysian Immigration Department since his name in the identity card was Sayyid Shah bin Abdullah. Several applications were B made to first respondent to change his name ie Sayyid Shah bin Abdullah to his original name ie K Praghadheeswara Raja a/l Kalandasamy. However, the appellant's application to change his current name to his original name was dismissed by the first respondent. The appellant accordingly challenged the decision of the first respondent and applied to the High Court to quash the C decision of the first respondent. The High Court judge ('HCJ'), amongst others, held that, said that reg 14(2) of the NRR did not envisage a change in name back to the original name and that the change in name was made because the person making the application had 'absolutely renounced and abandoned D the use of his original name' and had assumed a new name. The HCJ then concluded that, the need to give reasons did not arise as the refusal was a straightforward decision and not one that was mired in circumstances that would invite further or deeper rationalisation. Hence, the present appeal.

E **Held**, dismissed the appeal:

(1) Regulation 14 of the NRR read as a whole, envisaged a change in name from the original name to the new assumed name but did not envisage a change in name back to the original name. Regulation 4(2A) of the NRR F was also couched in mandatory terms that such a person 'shall not', when a replacement identity card was issued to him under this regulation, use his former name. In light of the serious implications and consequences that ensue once a change of name was effected, the regulations when taken as a whole did not entertain the notion of a person then applying to G revert back to his original name (see paras 61–63).

(2) The wordings employed in reg 14(2) of the NRR that an applicant certify the fact that he had 'absolutely renounced' and 'abandoned' the use of his former name further underscored the finality accompanying such an application. The regulation was couched in a manner which gave the DG H no discretion in the matter in that either the prerequisites for a change of name from the original name to the new name existed or did not exist (see paras 64–65).

(3) This was a straightforward case and not one that would call for or invite I further deliberation or point overwhelmingly in favour of a different decision. The HCJ thus rightfully dismissed as unmeritorious the point raised by the appellant that the failure to furnish reasons would give rise to a quashing of the decision. HCJ had committed no error in coming to the decision to dismiss the judicial review application (see paras 79–81).

**[Bahasa Malaysia summary**

Perayu, seorang warganegara Malaysia, telah dilahirkan di Coimbatore, Tamil Nadu, India. Sijil kelahirannya telah dikeluarkan oleh Pejabat Penolong Pesuruhjaya Tinggi Malaysia di Madras atas nama K Praghadheeswara Raja. Perayu adalah seorang penganut Hindu sejak lahir dan telah menganut agama tersebut pada setiap masa yang material. Kad Pengenalan Pendaftaran Malaysia atas nama K Praghadheeswara Raja a/l Kalandasamy kemudiannya telah dikeluarkan oleh responden pertama. Pada tahun 2005, perayu telah memeluk agama Islam dan menukar namanya kepada Sayyid Shah bin Abdullah. Permohonan oleh perayu untuk menukar namanya telah dibenarkan oleh responden pertama di bawah peraturan 14 Peraturan-Peraturan Pendaftaran Negara 1990 ('PPN'). Berikutan itu, satu kad pengenalan baharu telah dikeluarkan atas nama Sayyid Shah bin Abdullah menggantikan nama K Praghadheeswara Raja a/l Kalandasamy. Perayu telah berjaya memohon dan telah diberikan satu pasport baharu atas nama barunya, iaitu Sayyid Shah bin Abdullah, dan beliau telah terbang ke India menggunakan pasport baharu tersebut. Walau bagaimanapun, Imigresen India telah menolak untuk membenarkan perayu memasuki India disebabkan oleh fakta bahawa beliau sebelum ini telah memasuki India menggunakan pasport Malaysia atas nama K Praghadheeswara Raja a/l Kalandasamy. Akibatnya, perayu telah dihantar pulang ke Malaysia. Selepas itu, perayu mendakwa bahawa berikutan permohonannya untuk mendapatkan pasport di bawah nama asalnya, Ketua Pengarah Imigresen Malaysia telah membatalkan pasport atas nama Sayyid Shah bin Abdullah dan menggantikannya dengan satu pasport baharu yang dikeluarkan atas nama K Praghadheeswara Raja a/l Kalandasamy (No A35711811) untuk tempoh lima tahun. Perayu menghadapi kesulitan dengan pasport No A35711811 di mana Ketua Pengarah Imigresen Malaysia menafikan telah mengeluarkan pasport tersebut dan menyatakan bahawa semua pasport Malaysia dikeluarkan mengikut nama yang tertera pada kad pengenalan. Memandangkan pasport No A35711811 akan tamat tempoh pada 22 Mac 2021, perayu telah memohon pasport baharu pada Disember 2020 di bawah nama K Praghadheeswara Raja a/l Kalandasamy dan ini telah ditolak oleh Jabatan Imigresen Malaysia kerana nama pada kad pengenalannya adalah Sayyid Shah bin Abdullah. Beberapa permohonan telah dibuat kepada responden pertama untuk menukar namanya iaitu daripada Sayyid Shah bin Abdullah kepada nama asalnya iaitu K Praghadheeswara Raja a/l Kalandasamy. Walau bagaimanapun, permohonan perayu untuk menukar namanya semula kepada nama asalnya telah ditolak oleh responden pertama. Sehubungan itu, perayu telah mencabar keputusan responden pertama dan memohon kepada Mahkamah Tinggi untuk membatalkan keputusan responden pertama tersebut. Hakim Mahkamah Tinggi ('HMT'), antara lain, telah memutuskan bahawa peraturan 14(2) PPN tidak memperuntukkan perubahan nama kembali kepada nama asal dan bahawa perubahan nama telah dibuat kerana pemohon telah 'melepaskan sepenuhnya dan meninggalkan penggunaan nama

asalnya' dan telah mengambil nama baharu. HMT kemudiannya menyimpulkan bahawa keperluan untuk memberikan alasan tidak timbul kerana penolakan tersebut adalah satu keputusan yang mudah dan bukannya sesuatu yang dipalit dengan keadaan yang mengundang rasionalisasi lanjut atau mendalam. Oleh itu, rayuan ini difailkan.

**Diputuskan**, menolak rayuan:

(1) Peraturan 14 PPN apabila dibaca secara keseluruhan, memperuntukkan perubahan nama daripada nama asal kepada nama baharu yang diambil tetapi tidak memperuntukkan perubahan nama kembali kepada nama asal. Peraturan 4(2A) PPN juga digubal dalam bentuk mandatori bahawa seseorang itu 'tidak boleh', apabila satu kad pengenalan gantian dikeluarkan kepadanya di bawah peraturan ini, menggunakan nama lamanya. Memandangkan implikasi serius dan akibat yang timbul sebaik sahaja perubahan nama berkuat kuasa, peraturan-peraturan tersebut apabila dibaca secara keseluruhan tidak menerima konsep seseorang kemudian memohon untuk kembali kepada nama asalnya (lihat perenggan 61–63).

(2) Perkataan yang digunakan dalam peraturan 14(2) PPN bahawa seorang pemohon perlu mengesahkan fakta bahawa beliau telah 'melepaskan sepenuhnya' dan 'meninggalkan' penggunaan nama lamanya menekankan lagi kepastian muktamad yang mengiringi permohonan sedemikian. Peraturan itu digubal dengan cara yang tidak memberikan sebarang budi bicara kepada KP dalam perkara ini, iaitu sama ada prasyarat untuk perubahan nama daripada nama asal kepada nama baharu wujud atau tidak wujud (lihat perenggan 64–65).

(3) Ini adalah satu kes yang mudah dan bukannya kes yang memerlukan pertimbangan lanjut atau yang menunjukkan dengan jelas memihak kepada keputusan yang berbeza. Oleh itu, HMT adalah benar apabila menolak sebagai tidak bermerit hujahan yang dibangkitkan oleh perayu bahawa kegagalan memberikan alasan akan menyebabkan keputusan itu dibatalkan. HMT tidak melakukan sebarang kesilapan dalam membuat keputusan untuk menolak permohonan semakan kehakiman (lihat perenggan 79–81).]

**Cases referred to**

*Datuk Bandar Kuala Lumpur v Perbadanan Pengurusan Trellises & Ors and other appeals* [2023] 3 MLJ 829; [2023] 5 CLJ 167, FC (refd)

*Kesatuan Pekerja-Pekerja Bukan Eksekutif Maybank Bhd v Kesatuan Kebangsaan Pekerja-Pekerja Bank & Anor* [2018] 2 MLJ 590; [2017] 4 CLJ 265, FC (refd)

*Ketua Pengarah Hasil Dalam Negeri v Alcatel-Lucent Malaysia Sdn Bhd & Anor* [2017] 1 MLJ 563; [2017] 2 CLJ 1, FC (refd)

*Majlis Perbandaran Pulau Pinang v Syarikat Bekerjasama-Sama Serbaguna Sungai Gelugor dengan Tanggungan* [1999] 3 MLJ 1; [1999] 3 CLJ 65, FC (refd)

**Legislation referred to**

National Registration Act 1959
National Registration Regulations 1990 regs 4, 4(1), (2A), 11(4), 14, 14(1)(a), (2), (2A), (6)

**Appeal from**: Civil Suit No WA-494–09 of 2022 (High Court, Kuala Lumpur)

*Lee Teong Hooi (Lee Tan @ Assoc) for the appellant.*
*Nur Irmawatie bt Daud (with Na'ilah llhani bt Shamsulbahri) (Federal Counsel, Attorney General's Chamber) for the first and second respondent.*

**Collin Sequerah JCA:**

INTRODUCTION

**[1]** This is an appeal against the decision of the High Court at Kuala Lumpur which had on 20 October 2023 dismissed the appellant's application for judicial review with costs for the following reliefs:

(a) an order for certiorari to quash the decision of the first respondent dated 21 January 2021 in rejecting the appellant's application to amend the name of Sayyid Shah bin Abdullah Identification Card No: 750423–71–5087 (A33757824) to original name of the appellant which is K Praghadheeswara a/l Raja Kaladasamy Identification Card No: 750423–71–5087 (A33757824);

(b) an order for mandamus to compel the first respondent to amend and register the name of Sayyid Shah bin Abdullah ID Card No: 750423–71–5087 (A33757824) to the original name of the appellant which is K Praghadheeswara a/l Raja Kaladasamy (ID card No: 750423–71–5087 (A33757824);

(c) a declaratory order that the decision of the first respondent dated 21 January 2021 in dismissing the appellant's application was invalid and void;

(d) damages; and

(e) any other reliefs that the court deems fit and proper.

A PERTINENT BACKGROUND FACTS

**[2]** The appellant is a citizen of Malaysia who was born on 23 April 1975 in Coimbatore, Tamil Naidu, India.

B

**[3]** The appellant's birth certificate was issued by the Office of Assistant High Commissioner Malaysia in Madras under the name of K Praghadheeswara Raja. His father's name was Kalandasamy.

C **[4]** The appellant was a Hindu from birth and professed the said religion at all material times.

**[5]** The first respondent issued a Malaysian Registration Identity Card under the name of K Praghadheeswara Raja a/l Kalandasamy (My Kad
D No: 750423–71–5087 (A33757824)).

**[6]** In 2005, the appellant converted to Islam at Jabatan Agama Islam Negeri Sembilan and he changed his name to Sayyid Shah bin Abdullah.

E

**[7]** On 4 October 2005, an application by the appellant to change his name was allowed by the first respondent under reg 14 of the National Registration Regulations 1990. Consequent to that, a new identity card was issued under the name of Sayyid Shah bin Abdullah replacing the name of K Praghadheeswara Raja a/l Kalandasamy.
F

**[8]** The appellant successfully applied for and was given a new passport on 29 April 2015 under his new name of Sayyid Shah bin Abdullah and he flew to India using this new passport on 23 December 2016.

G

**[9]** However, the Indian Immigration refused to allow the appellant entry into India due to the fact that he had previously entered India using a Malaysian passport under the name of K Praghadheeswara Raja a/l Kalandasamy. As a result, the appellant was deported to Malaysia.

H

**[10]** Upon his return to Malaysia, the appellant claimed that on 22 March 2016, upon his application for a passport under his original name, the Director General of Malaysian Immigration revoked the passport under the name of Sayyid Shah bin Abdullah and replaced it with a new passport issued under the
I name of K Praghadheeswara Raja a/l Kalandasamy (No A35711811) for a duration of five years.

**[11]** The appellant encountered difficulties with Passport No A35711811 wherein the Director General of Malaysian Immigration denied issuing the

said passport and stated that all Malaysian passports were issued according to the name that appears on the identity card.

**[12]** The appellant then claimed that he was granted a tourist visa from the Government of India for five years from 22 September 2019 to 20 September 2024 based on Passport No A35711811. Passport No A35711811 will expire on 22 March 2021.

**[13]** The appellant claimed that he applied for a new passport in December 2020 under the name of K Praghadheeswara Raja a/l Kalandasamy and this was refused by the Malaysian Immigration Department since his name in the identity card is Sayyid Shah bin Abdullah.

**[14]** The appellant averred that several applications were made to first respondent to change his name ie Sayyid Shah bin Abdullah to his original name ie K Praghadheeswara Raja a/l Kalandasamy.

**[15]** However, the appellant's application to change his current name to his original name was dismissed by the first respondent vide a letter dated 2 December 2021.

**[16]** The appellant accordingly challenged the decision of the first respondent and applied to the High Court to quash the decision of the first respondent in rejecting the applicant's application to amend his name and to compel the first respondent to register his original name ie K Praghadheeswara Raja a/l Kalandasamy, to declare the decision of the first respondent dated 2 December 2021 as invalid, damages and other relief.

PARTIES SUBMISSIONS

*The appellant*

**[17]** The appellant takes the position that there is nothing that bars him from seeking a change of his name in his identity card.

**[18]** All that person needs to do when he changes his name is to inform the department and apply for a change in name according to reg 14 read with reg 4 of the National Regulations 1990.

**[19]** The appellant submits that this is purely an administrative act.

**[20]** The appellant submitted that he has complied with all the requirements of reg 14 read with reg 4 of the National Registration Regulations 1990.

**[21]** The appellant contended that as long as the purpose is not illegal, the respondent has to give effect to the change in name sought where all the requirements of reg 14 read with reg 4 of the National Registration Regulations 1990 are met.

**[22]** The appellant submitted that he had encountered difficulties because there are two names appearing in his previous passport ie the original name of K Praghadheeswara Raja a/l Kalandasamy and Sayyid Shah bin Abdullah and this has resulted in him being refused entry into India and being deported.

**[23]** The appellant also owns immovable properties in both India and the Ukraine all registered under the name of K Praghadheeswara Raja a/l Kalandasamy.

**[24]** The appellant's income tax and his pension fund in India are registered under the name of K Praghadheeswara Raja a/l Kalandasamy.

**[25]** This situation will cause a problem and result in confusion when dealing with authorities or parties in India and Ukraine due to the two different names appearing in the passport, national registration identity card and other documents.

**[26]** The appellant also submitted that he had made a similar application to the Pejabat Agama Islam Negeri Sembilan to change his 'Kad Akuan Islam' to his original name. The Jabatan Agama Islam Negeri Sembilan allowed his application and re-issued his 'Kad Akuan Islam' in the name of K Praghadheeswara Raja a/l Kalandasamy.

**[27]** The appellant submitted that the decision by the respondent is irrational, unreasonable and disproportionate.

**[28]** The first respondent has also not given any reason for the rejection and the appellant has not been given an opportunity to be heard by the first respondent.

**[29]** The appellant submits that the said decision is ultra vires the provisions of the National Registration Act 1959 and National Registration Regulations 1990.

*The respondent*

**[30]** The respondents submit that the appellant has not satisfied the prerequisites of reg 14(2A) of the National Registration Regulations 1990 and

hence his application to change his current name to his original name was dismissed by the first respondent.

**[31]** The respondent submitted that it is undisputed fact that on 4 October 2005, the appellant applied to change his name from K Praghadheeswara Raja a/l Kalandasamy to his new name ie Sayyid Shah bin Abdullah which application was allowed by the first respondent.

**[32]** The respondents submitted that the appellant's application to then further amend his current name to his original name was not allowed under the provision of reg 14(2A) of the National Registration Regulations 1990.

**[33]** The respondent's referred to sub-reg 14(2A) of the National Registration Regulation 1990 (PU(A) 472/90) which provides:

> Regulation 14 Change of name and correction of particulars.
>
> (1) A person registered under these Regulations who —
>
> (a) changes his name;
>
> (b) acquires the citizenship of Malaysia or is deprived of his citizenship of Malaysia; or
>
> (c) has in his possession an identity card containing any particular, other than his address, which is to his knowledge incorrect,
>
> shall forthwith report the fact to the nearest registration office and apply for a replacement identity card with the correct particulars.
>
> (2) Any person registered under these Regulations who applies to change his name under sub regulation (1) shall submit to the registration officer with a statutory declaration which —
>
> (a) certifies the fact that he has absolutely renounced and abandoned the use of his former name in lieu thereof has assumed a new name; and
>
> (b) contains the reason for such change of name, other than a conversion of religion.
>
> (2A) *Any person registered under these Regulations who applies for a change name under sub regulation (1) shall not, when a replacement identity card is issued to him under this regulation, use his former name that appears on the reverse of the replacement identity card or as inserted in the chip of the Government multi-purpose card*, as the case may be. (Emphasis added.)

**[34]** The respondent's submitted thus that it is clear from the provisions of reg 14(2A) of the National Registration Regulations 1990 that the phrase 'shall not' indicated that any person who applied to change his name under sub-reg 4(1) cannot further apply to change his name using his former name.

**[35]** The respondent's submission is that the decision of the first respondent was thus valid and not tainted with illegality and procedural impropriety.

**[36]** The respondents further submitted that there was no breach of procedural impropriety by the first respondent by not giving the reasons for rejecting the appellant's application to revert back to his original name because there is no general duty on the part of respondents to give reasons of the decision in the absence of express provisions in the statute.

**[37]** The respondent's cited the case of *Majlis Perbandaran Pulau Pinang v Syarikat Bekerjasama-Sama Serbaguna Sungai Gelugor dengan Tanggungan* [1999] 3 MLJ 1; [1999] 3 CLJ 65 among others, in support.

ANALYSIS AND DECISION BY THE COURT OF APPEAL

**[38]** After considering submissions of both parties, we are of the considered view that the heart of this appeal revolves around the interpretation of reg 14 of the National Registration Regulations 1990.

**[39]** The other issue to be considered is whether the appellant was entitled to be informed of the reasons for the decision made by the first respondent.

*Regulation 14 of the National Registration Regulations 1990*

**[40]** The material portion of reg 14(1)(a) reads as follows:

> A person registered under these Regulations who —
>
> (a) changes his name;
>
> (b) ...
>
> (c) ...
>
> shall forthwith report the fact to the nearest registration office and apply for a replacement identity card with the correct particulars.

**[41]** In order to effect the application for a change of name, an applicant must comply with sub-reg 14(2) which reads as follows:

> (2) Any person registered under these regulations who applies to change his name under sub regulation (1) shall submit to the registration officer with a statutory declaration which:
>
> (a) certifies the fact that he has absolutely renounced and abandoned the use of his former name in lieu thereof has assumed a new name; and
>
> (b) contains the reason for such change of name, other than a conversion of religion.

**[42]** It would appear from the above sub-regulations that once a person applies for a change in his name and fulfills the prerequisites and complies with the necessary procedures, the Director General of National Registration ('DG') has no discretion but to issue a replacement identity card.

**[43]** The only exception is where, after an inquiry, the DG is satisfied or has reason to believe that the purpose for such application is to avoid detection of the applicant's true identity by the authorities.

**[44]** This is provided for by sub-reg 14(6) which is reproduced below:

> Notwithstanding any provisions to the contrary in these Regulations, a registration officer may reject any application for a replacement identity card under this regulation if, after such enquiry as he deems necessary and expedient, he is satisfied or has reason to believe that the purpose for such application is to avoid detection of the applicant's true identity by the authority.

**[45]** If there is no cause for such an inquiry, the only formality to be complied with is that under sub-reg 11(4) which reads:

> Before a registration officer issues a replacement identity card to a person, registered under these Regulations, who has changed his name, he shall enter or cause to be entered into the register referred to in Regulation 11(4), the former name of such person and the new name as stated in the statutory declaration together with such other particulars as the Director-General may direct.

**[46]** An examination of the grounds of judgement grounds of the learned High Court judge ('HCJ') will reveal that he undertook a meticulous analysis of the steps involved in the process where a person wishes to effect a change of name.

**[47]** Thereafter, the HCJ examined the legal consequences that follow a change of name.

**[48]** The HCJ stated that the change in name on an identity card is a serious matter and has far-reaching consequences.

**[49]** The HCJ said that there is no duty upon the DG to inform to the person applying for the change of the consequences of a change in name and that such person does so at his own peril.

**[50]** The HCJ said that such a person would have used his original name for various legal transactions and instruments or his dealings with third parties such as contracts, banking transactions, and payment of outstanding income tax.

**[51]** The list, His Lordship added, is not exhaustive. Thus, a person when he changes his name would be aware of the consequences that the change in name brings.

**[52]** The HCJ then went on to importantly point out that once the process of the change of name is completed and the application perfected with the issue of a replacement identity card, the consequence as provided for in sub-reg 4(2A) follows and this reads as follows:

> Any person registered under these Regulations who applies for a change of name under sub-regulation (1) *shall not*, when a replacement identity card is issued to him under this regulation, *use his former name* that appears on the reverse of the replacement identity card or as inserted in the chip of the Government multipurpose card, as the case maybe. (Emphasis added)

**[53]** The HCJ's interpretation of this sub-regulation is what lies as the heart of this appeal.

**[54]** In the grounds, the HCJ stated that sub-reg 14 read as a whole envisages a change in name from the original name to the new assumed name.

**[55]** The HCJ said that the provision does not envisage a change in name back to the original name and that the change in name is made because the person making the application has 'absolutely renounced and abandoned the use of his original name' and has assumed a new name.

**[56]** After examining the relevant regulations and sub-regulations, we are of the considered view that there are compelling public policy considerations and reasons as to why these provisions only envisage a change of name but not a change of name back to the original name.

**[57]** Any person in the position of the appellant or any citizen of this country for that matter would have had to necessarily deal or transact with various government and banking and other financing entities during the course of his or her adult life.

**[58]** The appellant will no doubt also engage in transactions with other members of society in the entering into of contracts, as an example.

**[59]** Certainty with regard to identity is therefore a prerequisite and indispensable in order to minimise the possibility of fraudulent transactions.

**[60]** This danger is in fact sufficiently borne out by the current problems facing the appellant in India and in the Ukraine but these are occurrences outside this jurisdiction and do not and should not concern the DG here. A

**[61]** In view of the serious implications and consequences that follow a change of name, we therefore agree with the analysis and findings of the HCJ that sub-reg 14 read as a whole, envisages a change in name from the original name to the new assumed name but does not envisage a change in name back to the original name. B

**[62]** Sub-regulation 4(2A) is also couched in mandatory terms that such a person 'shall not', when a replacement identity card is issued to him under this regulation, use his former name. C

**[63]** In light of the serious implications and consequences that ensue once a change of name is effected, the regulations when taken as a whole does not entertain the notion of a person then applying to revert back to his original name. D

**[64]** The wordings employed in sub-reg 14(2) that an applicant certify the fact that he has 'absolutely renounced' and 'abandoned' the use of his former name further underscores the finality accompanying such an application. E

**[65]** We further agree with the view of the HCJ that the regulation is couched in a manner which gives the DG no discretion in the matter in that either the prerequisites for a change of name from the original name to the new name exists or does not exist. F

**[66]** Whatever were the decisions emanating from the Majlis Agama Islam Negeri Sembilan or any other foreign agency or agencies of the Government of India or any other Government for that matter, is of no consequence to the DG and he is not bound by these. G

**[67]** We therefore agree with the HCJ that the provision does not envisage a change in name back to the original name and that the change in name is made because the person making the application has 'absolutely renounced and abandoned the use of his original name' and has assumed a new name. The ring of finality alluded to earlier. H

**[68]** In the premises, we also agree with the findings of the HCJ that the requirements of a change in name under sub-regs 14(1)(a) read with 14(2) are not satisfied. I

*Is there a duty to give reasons for the decision?*

**[69]** It is the appellant's submission that the decision is bad in law for breach of procedural impropriety because no reasons were given for the rejection and this denied the appellant an opportunity to make an explanation against the rejection. The decision therefore, ought to be quashed.

**[70]** The series of cases referred to by the HCJ namely, *Datuk Bandar Kuala Lumpur v Perbadanan Pengurusan Trellises & Ors and other appeals* [2023] 3 MLJ 829; [2023] 5 CLJ 167; *Ketua Pengarah Hasil Dalam Negeri v Alcatel-Lucent Malaysia Sdn Bhd & Anor* [2017] 1 MLJ 563; [2017] 2 CLJ 1; and *Majlis Perbandaran Pulau Pinang v Syarikat Bekerjasama-Sama Serbaguna Sungai Gelugor dengan Tanggungan* [1999] 3 MLJ 1; [1999] 3 CLJ 65 all established a series of principles.

**[71]** Firstly, the absence of an express provision in the statute requiring the decision-maker to give reasons ought not to be taken to mean that there is no duty to give reason at all.

**[72]** Secondly, where the statute is silent on the duty to give reasons, there is no general duty to give reasons but such a duty to give reasons may be implied where appropriate on a case-by-case basis. Among the determining factors when reasons ought to be given lie in the nature and character of the decision-making and when the giving of reasons will be required as a matter of fairness and openness.

**[73]** The HCJ rightfully discerned that the cases establish that whether there is a duty to give reasons would depend on the facts, nature, and character of the decision-making and where the giving of reasons is required as a matter of fairness and openness.

**[74]** The HCJ further referred to the decision of the apex court in *Kesatuan Pekerja-Pekerja Bukan Eksekutif Maybank Bhd v Kesatuan Kebangsaan Pekerja-Pekerja Bank & Anor* [2018] 2 MLJ 590; [2017] 4 CLJ 265 which held:

> In a case where the decision is one that is straightforward and one that is not mired in circumstances that would invite further or deeper rationalisation, then, perhaps the need to give the reason by the decision maker may not arise.

**[75]** The HCJ then concluded that after considering the circumstances of the instant case, the need to give reasons did not arise as the refusal was a straightforward decision and not one that is mired in circumstances that would invite further or deeper rationalisation.

**[76]** The HCJ said that the applicant/appellant either fulfills the requirements of reg 14 of the National Registration Regulations 1990 or he does not.

**[77]** The HCJ held that in the premises, the decision made by the Director General does not point overwhelmingly in favour of a different decision and in the circumstances, the ground of failure to give reasons is without merit.

**[78]** We find no error in the reasoning and findings by the HCJ in this regard. His Lordship regarded this case as one where the appellant either satisfies the prerequisites of reg 14 or did not.

**[79]** His Lordship therefore concluded quite rightly that this was a straightforward case and not one that would call for or invite further deliberation or point overwhelmingly in favour of a different decision.

DECISION

**[80]** The HCJ thus rightfully dismissed as unmeritorious the point raised by the appellant that the failure to furnish reasons would give rise to a quashing of the decision.

**[81]** After considering the submissions of parties and examining the grounds, and for the reasons expressed earlier, we unanimously find that the HCJ had committed no error in coming to the decision to dismiss the judicial review application.

**[82]** In the premises, this appeal is dismissed with one set of costs of RM5,000 to the respondents.

**[83]** The learned chairman of the panel Justice Supang Lian and my learned brother Justice Dr Hj Alwi bin Hj Abdul Wahab have read and approved the draft of this judgement.

*Appeal dismissed.*

Reported by K Selvaraju